

REMARKS

Claims 1 and 8-26 are pending in the application.

By the foregoing Amendment, claims 9 and 10 to recite the composition of the other of the warp and weft that is not made of gold alloy. New claims 19-26 are added.

These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Rejections under 35 U.S.C. § 103

1. Claims 1, 2, 8, and 11-18

On page 2 of the Office Action, claims 1, 2, 8, and 11-18 were rejected under section 103(a) as being unpatentable over Labarte et al. in view of Ogasa. This rejection is respectfully traversed as being based upon references that, either alone or in combination, do not teach or suggest the claimed invention.

As pointed out by the Examiner in paragraph 5 of the Office Action, Labarte's Abstract does mention "starting with a rectangular strip of wire mesh" and then "placing the loosely woven mesh into a shaping press."

Labarte does not mention a "woven" mesh anywhere else other than in the Abstract. On the contrary, the specification never mentions a warp and weft, but is consistent throughout in describing

the shape as being formed from mutually winding or interlacing coiled wires as in a conventional “milanese” texture.

As the Court of Customs and Patent Appeals cautioned in *In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965), “it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.”

According to Webster’s Revised Unabridged Dictionary (copyright 1996, 1998) (a different dictionary than that quoted in the response to the previous Office Action), “woven” has two definitions:

1. To unite, as threads of any kind, in such a manner as to form a texture; to entwine or interlace into a fabric; as, to weave wool, silk, etc.; hence, to unite by close connection or intermixture; to unite intimately.

2. To form, as cloth, by interlacing threads; to compose, as a texture of any kind, by putting together textile materials; as, to weave broadcloth; to weave a carpet; hence, to form into a fabric; to compose; to fabricate; as, to weave the plot of a story.

If “woven” is understood to mean “interlacing” in its broadest sense, then the use of “woven” in Labarte’s Abstract does not imply the existence of a warp and weft, but is consistent with the description in Labarte’s specification, and does not imply that Labarte’s jewelry has a woven warp and weft, as required by independent claims 1, 8, and 11.

Osaga was cited as teaching the specific composition of the gold alloy recited in claims 1, 12, 14, 16, and 18. Assuming for the sake of argument that Osaga does in fact teach the gold alloy compositions recited in claims 1, 12, 14, 16, and 18, modifying Labarte et al.'s method to use the compositions taught by Osaga still would not produce the claimed invention, as the resulting article would not be made at least in part of a fabric that is woven, as "woven" is used in the present application.

In view of the foregoing, it is respectfully submitted that the invention as recited claims 1, 2, 8, and 11-18 is patentable over Labarte et al. and Osaga, and that the rejection should be withdrawn.

2. Claims 9 and 10

On page 3 of the Office Action, claims 9 and 10 were rejected under section 103(a) as being unpatentable over Akio. This rejection is believed to be overcome by the amendments to claims 9 and 10.

As recited in amended claims 9 and 10, one of the warp and weft is made of gold alloy metal monofilament, and the other of the warp and weft is made of ordinary yarn. Akio teaches that the weft threads are a conductive material such as copper, gold, aluminum, and various alloys, and the warp threads are made of bundled conductive carbon fibers and non-conductive glass fibers. Thus, Akio does not teach or suggest a woven fabric in which the other of the warp and weft is made of ordinary yarn, as required by claims 9 and 10.

Akio further does not teach or suggest that the ordinary yarn is made from a material selected from the group consisting of silk and cotton, as recited in new claims 19 and 21 depending respectively from claims 9 and 10.

New claims 20 and 22-26

New claims 20, 22, 23, 24, and 25 recite that the warp and weft are different from each other in diameter. None of the cited prior art teaches or suggests that the warp and weft threads are of different diameters. It is therefore respectfully submitted that the invention as recited in new claims 20, 22, 23, and 25, and claims 24 and 26 depending from claims 23 and 25, respectively, are patentable over the cited prior art.

Conclusion

All objections and rejections have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

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